

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
: :
-v- : 14-CR-109-1 (JMF)
: :
SHARMELL CUNNINGHAM, : :
: : ORDER
: :
Defendant. : :
: :
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JESSE M. FURMAN, United States District Judge:

On February 3, 2021, the Court received a motion from Defendant, proceeding *pro se*, seeking early release in light of the COVID-19 pandemic. *See* ECF No. 136. Upon review of the motion, the Court re-appointed Defendant's prior counsel pursuant to the Criminal Justice Act ("CJA"). *See* ECF No. 137. On February 22, 2021, the Court received the attached letter from counsel indicating that he is no longer on the CJA Panel and cannot accept re-appointment.

In light of the foregoing, unless and until Defendant objects, Florian Miedel — the CJA lawyer on duty today — is appointed to represent Defendant in connection with the motion he filed (and any other application relating to COVID-19). Mr. Miedel shall immediately contact Defendant by telephone to advise him of this Order and confirm that he is willing to be so represented (the alternatives being to continue to proceed *pro se* or to retain counsel), and shall promptly file a letter indicating whether Defendant consents or objects to such representation.

Unless and until the Court orders otherwise, counsel shall file any supplemental papers on Defendant's behalf no later than **March 8, 2021**. The Government shall file any opposition by **March 19, 2021**, and Defendant shall file any reply by **March 23, 2021**. In their papers, the

parties should address whether or when Defendant would become eligible to receive a COVID-19 vaccine.

SO ORDERED.

Dated: February 23, 2021
New York, New York



JESSE M. FURMAN
United States District Judge

LAW OFFICE OF ERIC M. SEARS, P.C.

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by email

February 22, 2021.

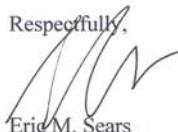
Hon. Jesse Furman
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: Sharmell Cunningham – 14 Cr 109

Dear Judge Furman:

I was CJA counsel for Mr. Cunningham in the underlying case. I have been informed by AUSA Jane Chong that he has submitted a *pro se* motion for compassionate release, and that I have been re-appointed as counsel. Please be advised that I am no longer on the CJA panel, and have not done work in the SDNY for some time. I respectfully request, therefore, that new CJA counsel be appointed in my place.

Thank you for your consideration.

Respectfully,

Eric M. Sears

cc. *by email*
AUSA Jane Chong